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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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DUANE MCKINNEY,

Petitioner,

*versus*

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION NO. 1:18-CV-353

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**MEMORANDUM ORDER ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Duane McKinney, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that a motion for summary judgment filed by the respondent be granted and the petition denied pursuant to Federal Rule of Civil Procedure 56.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. The motion for summary judgment is **GRANTED**. A final judgment shall be entered denying the petition.

SIGNED at Beaumont, Texas, this 22nd day of July, 2019.



MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE